

REMARKS

The Office Action mailed on March 8, 2007, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-2 were pending. By this paper, Applicants do not cancel any claims, and add claims 3-4. Therefore, claims 1-4 are now pending.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

Rejections Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. As seen above, in order to advance prosecution, and without prejudice or disclaimer, Applicants have amended claim 1, and Applicants respectfully request reconsideration in view of the above amendment.

Rejections Under 35 U.S.C. § 102

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Emrich (United States Patent Application Publication No. 2001/0027857). In response, in order to advance prosecution, and without prejudice or disclaimer, Applicants have made the above amendments to the claims, and respectfully submit that the above claims are allowable for at least the reasons that follow.

Applicants rely on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be “*identically* disclosed or described” by the prior art reference. (Emphasis added.) It is respectfully submitted that Emrich does not describe each and every element of claim 1 or claim 2, at least after the amendments to claim 1 presented above.

Claim 1, as amended, recites that the inner fin for the heat exchanger includes a plurality of protruding ridges each formed by a wall portion having **sidewalls formed with** a cutout window. A weir portion is provided at a bottom of an entrance for a heat exchange medium in the cutout window so as to allow said grooves adjacent to each other to communicate with each other. The weir portion is formed **by moving material of a portion of at least one of the sidewalls toward the bottom to accumulate on the bottom and form the weir portion protruding from the bottom in a width direction of the plate.** An exemplary embodiment of the invention of claim 1 may be seen in Figs. 1 and 2 of the present application, along with its description at, among other places, paragraph 0015. In this regard, as stated at paragraph 0015,

material of the portions of the sidewalls 7 are moved to the other bottoms 9 and 8 and accumulate thereon respectively, so that bottoms of entrances of the cut windows 10 and 11 formed in the sidewalls 7 have weir portions 12 and 13 protruding from bottoms 8 and 9 of the grooves 4 and 5 in a width direction of the plate 1.

(Specification, paragraph 0015.) The configuration of the weirs of claim 1 promotes diffuence and stirring of the heat exchange medium.

In contrast, Emrich does not teach, either explicitly or inherently, each feature of claim 1. In Emrich, the alleged weir portions (ramps 60, 66, 67 and 68), and the alleged cutout window (apertures 71 and 72), do not meet the recitations of claim 1. The ramps of Emrich are manufactured utilizing a press forming method which forms elongate beadings **which are stamped from the surface** of a web 42. (See paragraph 0038 of Emrich.) These elements are distinctly different from the alleged corresponding elements of the invention of claim 1, at least in that the inner fin of claim 1 is formed by moving and accumulating the material of the portion of the sidewall(s) on the bottom of the groove(s).

As noted above, for a reference to be anticipatory, the claimed subject matter must be *identically* described in the prior art. As the alleged weirs of Emrich are not formed through a moving action as claimed in claim 1 and do not have the configuration as claimed in claim 1, Emrich cannot anticipate claim 1 or its dependent claim, claim 2. Reconsideration is requested.

New Claims

As seen above, Applicants have added new claims 3 and 4. These claims are allowable for the pertinent reasons that make claims 1 and 2 allowable. Specifically, claims 3 and 4 are directed to the method of producing the weirs (by moving material, etc.). As the movement of material and the configuration of the weirs as claimed is not taught by Emrich, these claims are also allowable.

Support for new claims may be found, among other places, at paragraphs 0012-0017 of the specification as originally filed.

Conclusion

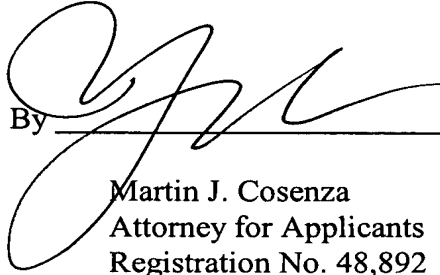
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Flanigan is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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